

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

James Messerschmidt,

Plaintiff,

Case No: 0:22-cv-61614-AHS

v.

Gazeta Brazilian News Corporation,

Defendant.

/

DECLARATION OF CRAIG B. SANDERS

CRAIG B. SANDERS, pursuant to 28 U.S.C. § 1746, hereby declares under penalty of perjury, as follows:

1. I am a member of the law firm of Sanders Law Group, attorneys for Plaintiff James Messerschmidt (“Plaintiff”), and submit this Declaration in support of Plaintiff’s Motion for a Default Judgment. As counsel to Plaintiff since the beginning of this action, I have personal knowledge as to the facts set forth herein.

2. I respectfully submit this Declaration in support of Plaintiff’s Motion for a Default Judgment against Defendant, Gazeta Brazilian News Corporation (“*Defendant*” or “*Gazeta*”), pursuant to Fed. R. Civ. P. 55(b)(2) and Local Rule 7.1 and the Court’s inherent power, granting Plaintiff’s default judgment against Defendant.

3. In support of the portion of the motion which asks the Court to fix an



award of fees and damages, I submit the following. By way of background, I received my Juris Doctor (J.D.) from the University of Pennsylvania Law School in 1993 and am a founding partner in the law firms of Sanders Law, PLLC, and Sanders Law Group. I was admitted to practice of law in Florida in 1993 and New York in 1994. In addition to New York and Florida, I am currently admitted to practice law in the states of California, Utah, Colorado, Maryland, Washington and New Jersey. In addition to the above-listed state admissions, I am admitted to practice law in the Federal Courts of New Jersey, California (all four Districts), Colorado, Florida (all three Districts), Illinois (all three Districts as a lead trial attorney), Indiana (both Districts), Maryland, New York (all four Districts), Texas (all four Districts), Utah, Wisconsin (both Districts), New Jersey and the District of Columbia. I am also admitted to the Second, Third, Fifth, Ninth, and Tenth Circuit Courts of Appeals and have argued appeals in each of these Circuits. I am also admitted to practice before the United States Supreme Court. I am in good standing in the above-referenced Courts and have never been disciplined by any bar. During the course of my twenty-nine (29) year professional career, I have focused on Federal Litigation, primarily involving civil litigation matters and have personally filed and litigated hundreds of copyright cases. My current billable hourly rate is \$700 per hour for work in the district.

4. My hourly rate of \$700/hr. for the prosecution of copyright

infringement matters is well within the range of hourly billing for similarly experienced attorneys according with the Report of the Economic Survey (2017) for the American Intellectual Property Law Association (Exhibit 2).

5. Jaymie Sabilia-Heffert is an associate with the firm. Ms. Sabilia-Heffert received her Juris Doctor from Touro Law School in 2015 and was admitted to practice in the Courts of the State of New York in 2016. She was admitted to practice in the United States District Court for the Southern District of New York in 2018 and the Northern District of New York in 2019. During the course of her seven-year professional career, Ms. Sabilia-Heffert has focused her practice primarily on litigation involving civil matters in both State and Federal Courts. Ms. Sabilia-Heffert's current hourly rate is \$450.00 per hour.

6. As part of my responsibilities at Sanders Law Group, I maintain the firm's billing records, and I supervise the firm's billing procedures and policies, both for our paying clients, as well as for our work in fee-shifting cases.

7. Concerning the billing records attached to this Declaration, I have reviewed the billing records of the firm to identify time entries that may be duplicative (or deemed excessive) and subtracted these amounts or events. It is my belief that the entries on the billing records attached hereto as **Exhibit 1** are reasonable for the successful prosecution of this case.

8. In addition to the time entries, Plaintiff incurred and seeks

reimbursement for costs in the amount of \$477.00 which includes a \$402.00 filing fee which Plaintiff requests this Court take judicial notice, and a \$75.00 service of process fee from Gotcha Legal Services, Inc.

9. For the foregoing reasons, as well as those set forth in all the papers heretofore submitted, I respectfully request that the Court award attorney's fees and costs as detailed in the attached billing records.

10. No part of the Judgment sought has been paid.

Dated: January 20, 2023

SANDERS LAW GROUP

By: /s/ Craig B. Sanders
Craig B. Sanders, Esq. (Fla. Bar 985686)
333 Earle Ovington Blvd., Suite 402
Uniondale, NY 11553
Tel: (516) 203-7600
Email: csanders@sanderslaw.group
Our File No: 125646
Attorneys for Plaintiff